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The situation with respect to piracy and armed robbery at sea off the coast of Somalia

Report of the Secretary-General

I. Introduction

1. The present report is submitted pursuant to paragraph 33 of Security Council resolution 2383 (2017), in which the Council requested me to provide an annual report on the situation with respect to piracy and armed robbery at sea off the coast of Somalia.

2. Following my previous annual report on the situation (S/2017/859), the present report covers major developments from 1 October 2017 to 30 September 2018. It is based on information provided by the United Nations system, including the Food and Agriculture Organization of the United Nations (FAO), the International Maritime Organization (IMO), the United Nations Office on Drugs and Crime (UNODC) and the United Nations Assistance Mission in Somalia (UNSOM), as well as Member States and regional organizations, including the Intergovernmental Authority on Development (IGAD), the European Union, the European Union Naval Force (EU NAVFOR) and the North Atlantic Treaty Organization (NATO).

II. Main developments, trends and considerations regarding piracy off the coast of Somalia

Major developments and trends during the reporting period

3. During the reporting period, significant efforts to minimize acts of Somali piracy continued, thanks to the combined achievements of the international community through the Contact Group on Piracy off the Coast of Somalia; the ongoing contributions of individual Member States (see annex I); the continued enforcement measures of international naval forces; and the work of UNSOM, together with several United Nations and non-United Nations agencies, to foster governance and the rule of law in Somalia. Those measures, along with the observance of *Best Management Practices* by all vessels, have sustained efforts to reduce the number of piracy incidents overall (see annex II). Piracy activities that have occurred since my previous report continue to point to root causes that still need to be fully addressed.

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4. During the period, five significant piracy incidents occurred in the regional waters around the Somali coastline, in the Somali Basin and the Gulf of Aden, involving the *Sameer* (24 October), the *Ever Dynamic* (15 November), the *Galerna III* (16 November), the *Leopard Sun* (22 February) and the *Kriti Spirit* (31 March). No ships were successfully hijacked for ransom nor were any hostages taken. The maritime incident involving the *Alpha Kirawira* (22 July) was assessed as an Al-Shabaab event rather than piracy, demonstrating the fluid nature of the maritime security space in Somalia.

5. In November 2017, attempts to attack the *Ever Dynamic* and the *Galerna III* failed after exchanges of gunfire with the privately contracted armed security personnel on board. On 18 November, the Italian navy dispatched a SH-90 helicopter from its vessel, the *Virginio Fasan*, that located the pirate action group[1] responsible. That led to the capture of six suspects, who were directly transferred to the Regional Fusion and Law Enforcement Centre for Safety and Security at Sea (Seychelles Piracy Prosecutions Centre) to await trial.

6. The continued piracy attempts demonstrate that the underlying conditions fuelling piracy have not yet changed and that piracy networks are still very much active. Four pirate action groups remain ready to resume attacks should the opportunity present itself. Those groups remain opportunistic, given the relative ease with which operatives may source weapons and skiffs. In 2017, several attempts on vessels occurred during the normally quiet monsoon season. In 2018, the high-risk area was extended further afield, pointing to the capability and intent of pirates to project attacks as far across the Indian Ocean as possible to ensure a successful hijacking. Recent incidents have been notable in that the attackers were not dissuaded by the failure of their first attempt, who soon afterwards carried out a second attempt in the same vicinity, demonstrating their determination and commitment to achieving their objectives.

7. In several of the incidents, the pirates came very close to successfully hijacking the ships. Those attempts serve as a reminder that piracy has been suppressed but not eradicated. The lack of success in 2018 highlights the fact that the measures put in place by industry remain fit for purpose, but only if they are fully employed. All ships are strongly encouraged to adhere to the fifth version of *Best Management Practices*, released June 2018, and maintain a high speed while transiting through the high-risk area. It is likely that the criminal networks behind piracy will continue to seek opportunistic targets. Flag States need to continue to monitor the threat to ships flying their flag and set appropriate security levels in accordance with the International Ship and Port Facility Security Code. In addition, the presence of privately contracted armed security personnel and international naval forces in the region are critical to deterrence.

8. In its report entitled "The state of maritime piracy 2017: assessing the economic and human cost", Oceans Beyond Piracy noted that a total of 54 incidents occurred in the western Indian Ocean region in 2017. This indicates an increase of 100 per cent over 2016. The number of seafarers affected by incidents of piracy and armed robbery at sea also rose, from 545 in 2016 to 1,102 in 2017. With an economic cost of $1.4 billion attributed to piracy in the East Africa maritime region, piracy also results in higher insurance premiums for all merchant ships transiting off the coast of Somalia, with additional premiums, including war risk area premiums ($41.6 million); kidnap and ransom premiums ($9.0 million), and higher cargo insurance premiums (no estimated cost available), which may be passed on to consumers. For 2018, spillover effects from the conflict in Yemen increased the

[1] A pirate action group is a group organized by its members to conduct acts of piracy and robbery at sea, usually within a specific geographic maritime area.

number of incidents occurring off the coast of Yemen, affecting the major shipping lanes located between Yemen and Somalia.

9. In its report entitled "Stable seas: Somali waters", issued in 2017, the One Earth Future Foundation noted the increasing complexity of the region, with multifaceted and cross-over issues, including illegal, unreported and unregulated fishing, coastal violence and human trafficking, intersecting to create a uniquely insecure maritime environment in Somali waters. Regional conflicts have shifted human migration flows, further accelerating the smuggling of both trafficked persons and arms across the Gulf of Aden. It was observed in the report that poverty, a lack of jobs, a lack of markets and poor management of fisheries were factors that had contributed to the re-emergence of Somali piracy in 2017. In addition, piracy tends to exacerbate underlying tensions, foster political instability and erode national security while degrading legitimate economic opportunities — in a country already struggling with corruption and terrorism. Poor governance and weak economic conditions in Somalia have also contributed to the emergence of violent non-State actors like Al-Shabaab and Islamic State in Iraq and the Levant, which have further undermined political stability and economic recovery systems in the Horn of Africa. Maritime insecurity enriches those non-State actors, which creates and sustains a cycle that further weakens governance on shore.

10. In their industry releasable threat assessment[2] dated 1 September 2018, the Combined Maritime Forces and EU NAVFOR concluded that piracy networks seemed to be meeting their financial objectives by pursuing lower-risk activities such as the smuggling of people, narcotics, weapons and charcoal. It also noted that, with respect to other significant maritime incidents in the Maritime Security Transit Corridor-Red Sea area, there were four attempted attacks that were attributed to Houthi rebels launching long-range rockets on Saudi-flagged ships off the coast of Yemen, which may pose an even greater threat to the region's stability. Fishing vessels and yachts travelling too close to the Somali or Yemeni coastlines may be caught up in attempted attacks by Somali pirates or Houthi rebels on commercial vessels.

11. The array of threats in the region makes clear the need for a comprehensive maritime security approach, and a key priority for the international community is to secure Somalia's maritime sovereignty and suppress piracy and other threats emanating from Somalia. The long-term solution for countering piracy lies in creating a secure maritime region off the coast of Somalia — from "Somaliland", around the Horn of Africa and down to the border with Kenya. However, efforts to that end are often hindered by political indecision within the Federal Government of Somalia, lack of funding for Somali maritime security, lack of access to key parts of the Somali coast, and the need for a whole-of-security approach that addresses maritime threats as a concomitant part of land-based security concerns. As long as those external and internal conditions remain, so will the risk of further acts of piracy and armed robbery off the coast of Somalia.

III. Development of counter-piracy efforts in Somalia

A. National legal and policy frameworks

12. The Federal Government of Somalia has been developing a policy framework for the Somali Coast Guard, with technical assistance from UNSOM, UNODC and the European Union Capacity-Building Mission in Somalia, under the Somali

[2] Written by the Combined Maritime Forces and EU NAVFOR with the intent to inform participants in a conference of the Shared Awareness and Deconfliction initiative.

Maritime Resource and Security Strategy (2013). That process is being overseen by the Maritime Security Coordination Committee, now under the Office of the Deputy Prime Minister, and supported by IGAD under its regional programme for maritime security. The Maritime Security Coordination Committee is a joint Somali decision-making body comprising representatives of the Federal Government of Somalia and federal member states, meetings of which are convened with support from IGAD and other international partners. It aims to strengthen national maritime legislation by coordinating maritime capacity-building at the technical level in areas of mutual interest, including coastal and maritime security, fisheries management, international trade and customs.

13. The Federal Government of Somalia, federal member states and "Somaliland" held a meeting of the Maritime Security Coordination Committee with international partners in Nairobi from 9 to 10 July 2018, after a year-long hiatus. The federal member states and "Somaliland" briefed participants on current projects and capacity requirements in their regions. There was agreement that clarification was needed on the Somali requirements and the ability to fund and support maritime policing and naval capacity. It was agreed that an appropriate rhythm should be identified for interaction between the National Maritime Coordination Committee, under the Federal Government of Somalia, and the Maritime Security Coordination Committee. Participants urged the National Security Council to agree on a delineation of the roles and responsibilities of the Somali maritime forces by August 2018, as stipulated in the Transition Plan,[3] and called for enhanced cooperation in strengthening Somalia's maritime security as a key priority for both the Federal Government of Somalia and federal member states.

14. With technical and financial assistance from IMO, UNSOM and IGAD, the Federal Government of Somalia has also been working towards a revision of its Maritime Code (1959) and the establishment of a maritime administration department, under the Ministry of Ports and Marine Transport. The revised Maritime Code was finalized for translation in 2018. The establishment of a maritime administration department will enable the Federal Government of Somalia to undertake its flag, port and coastal State maritime responsibilities.[4] Following the above-mentioned meeting, with the support of IGAD, and under the guidance of the National Maritime Coordination Committee, the Federal Government of Somalia has committed to updating information on its current practices, procedures and laws concerning ports, flags and coasts;[5] signing or ratifying related international instruments and existing regional coordination mechanisms; and developing a national action plan for the management of ports and offshore natural resources. There is increasing interest from the private sector, including the oil and gas industry, in the development of the country's port infrastructure and in potential international investment towards those efforts.

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[3] The Federal Government of Somalia developed a security transition plan in early 2018 through an inclusive process that laid out the strategic guidelines to facilitate detailed planning on national security in coming years, in which the country seeks to establish its own path towards assuming full responsibility for its stability. The Transition Plan is complementary to Somalia's National Development Plan.

[4] A flag State is one in which a vessel is registered or licensed, under whose national laws the vessel operates. A port State is one which holds internationally agreed jurisdiction to inspect foreign ships operating outside national ports to verify their compliance with international conventions. A coastal State is one that is not landlocked and is responsible for territorial waters or a territorial sea out to 12 nautical miles, as defined by the United Nations Convention on the Law of the Sea.

[5] Somalia is party to the Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing.

B. Capacity-building

15. During the reporting period, the Federal Government of Somalia and regional administrations continued to build their maritime security capacities, with assistance from international partners and the trust fund to support initiatives of States countering piracy off the coast of Somalia. In coordination with the European Union Capacity-Building Mission in Somalia and UNODC, UNSOM carried out a maritime security operational readiness assessment at the end of 2017 to evaluate the maritime security situation in Somalia, including details regarding the capacities, legislation, equipment, personnel and state of training in each federal member state and "Somaliland". That document serves as the benchmark for making progress on further capacity-building initiatives.

16. UNSOM, UNODC and the European Union Capacity-Building Mission in Somalia have played a significant role in developing a capacity-building plan to train and equip the Somali Coast Guard and the related Maritime Police Units under the Transition Plan, as well as in developing options papers for the Federal Government of Somalia to integrate existing maritime security forces into the Somali Coast Guard or the related Maritime Police Units, as agreed in the National Security Architecture and maritime substrand 2b of the Comprehensive Approach to Security. With a view to facilitating a political decision around the delineation of roles and responsibilities of the proposed Somali maritime security forces, UNSOM and the European Union Capacity-Building Mission in Somalia developed a specific maritime security options non-paper, which encouraged discussion regarding the development of the Somali maritime security sector among Somali actors, partner countries and international organizations. That resulted in an agreement to develop a federal coast guard that would work with the maritime police units of federal member states.

17. The creation of the federal coast guard is a necessary goal to properly address piracy and other maritime crimes. The Global Maritime Crime Programme of UNODC supported the delivery of maritime policing in key Somali ports in Berbera, Boosaaso and Mogadishu, with further work planned for Hobyo and Kismaayo. The Global Maritime Crime Programme remains engaged in developing coast guard capabilities across Somalia, with the Federal Government of Somalia, federal member states, UNSOM and donor partners. It is critical that those long-standing needs, as identified in the Somali Maritime Resource and Security Strategy, be addressed, given that 50 per cent of the country's borders are maritime and located in a geostrategic area of international importance that is also rich in a diverse array of natural resources.

18. The Global Maritime Crime Programme also continued to deliver its multi-year training and mentoring programme to Somali maritime law enforcement authorities during the reporting period. It extended that support from the Mogadishu Maritime Police Unit, the Boosaaso Port and Maritime Police Unit, and the "Somaliland" Coast Guard to the Galmudug Coast Guard in Hobyo. The training was funded by Denmark, the European Union, Italy, Japan, the Netherlands, the United Kingdom of Great Britain and Northern Ireland and the trust fund. Two maritime police training courses were conducted for 30 officers (including 9 women) from the Galmudug Coast Guard at the UNODC-constructed headquarters building of the Boosaaso Port and Maritime Police Unit, and in the waters surrounding Boosaaso. The training focused on maritime law enforcement, seamanship, communications and engine maintenance and repair, at which time uniforms and maritime safety equipment were issued to the officers.

19. In Puntland, the Boosaaso Port Police interdicted several vessels this past year, capturing those involved in operations to smuggle people and weapons, along with

illegal fishing vessels. In "Somaliland", the coast guard and maritime security services updated their sea operations to reflect emerging maritime threats other than piracy. In Hobyo, a coastal town in the Galmudug region, UNODC assisted the federal member states in establishing coast guard services to patrol the extensive waters from the border with Puntland down to the Somali Basin. On 28 August 2018, the "Somaliland" Parliament approved a coast guard bill. The maritime law enforcement authorities in "Somaliland", Puntland and other coastal regions across Somalia continue to develop their maritime security and justice sectors with assistance from UNODC and the European Union Capacity-Building Mission in Somalia.

20. The Boosaaso training and mentoring programme continued during the period 2017–2018, through which the Boosaaso Port and Maritime Police Unit acquired the ability to conduct numerous complex maritime policing and interdiction activities targeting boats suspected of maritime crime activities. New boats procured and funded by UNODC have improved the search and rescue capabilities of the Boosaaso Port and Maritime Police Unit by enabling the coxswains to receive training on various patrol craft platforms and to develop familiarity with the requirements for maritime engineering on different vessels. The boats extended the operational reach of the Boosaaso Port and Maritime Police Unit, allowing it to conduct deliberate and responsive operations with greater speed and at greater distances from Boosaaso. Under the Maritime Communications Initiative, jointly implemented by UNODC, Oceans Beyond Piracy and the European Union Capacity-Building Mission in Somalia, an operations rooms was developed at the headquarters of the Boosaaso Port and Maritime Police Unit, and operations staff subsequently received training.

21. In Mogadishu, UNODC mariner and engineer trainers have been engaged in training and mentoring under several projects. Visit, board, search and seizure training was delivered to 30 officers (including 8 women) in late 2017, while in early 2018 there was a focus on the maintenance and repair of several boats that had become unserviceable. During that period, surveys were conducted of all boats of the Mogadishu Maritime Police Unit, and four previously unserviceable boats were made operational. That was achieved with the on-the-job training of three of the Unit's officers, who assisted in all maintenance and repairs, thereby laying the groundwork for the establishment of an engineering department in the Unit in 2019. A training needs assessment was conducted prior to the implementation of the European Union project to train Unit personnel. The project commenced in August 2018 with a crewmanship course for 20 Unit officers and is expected to continue into 2019.

22. In Berbera, visit, board, search and seizure training was conducted by UNODC for 12 officers of the "Somaliland" Coast Guard to prepare them to conduct more complex vessel interdiction operations. Building on that investment, the "Somaliland" Coast Guard has conducted several successful operations targeting illegal, unreported and unregulated fishing, as well as the smuggling and trafficking of contraband, people and wildlife, along with search and rescue operations. In late 2017, a Berbera operations room was set up under the Maritime Communications Initiative. However, in mid-2018, a cyclone destroyed the room's roof and most of the equipment. UNODC is working to assist the "Somaliland" Coast Guard in sourcing a new facility for the operations room and in replacing all damaged equipment. UNODC also completed stores and inventory management training to coincide with its handover of the UNODC-funded engineering storage areas.

C. Community issues

23. The Ministry of Fisheries and Marine Resources of the Federal Government of Somalia continues to identify fishing activities in its exclusive economic zone (EEZ), with assistance from FAO. During the reporting period, EU NAVFOR shared

information with the Ministry that had been collected from sightings of fishing vessels operating illegally in the country's EEZ. That information-sharing has enabled the Ministry to pursue the capture and prosecution of suspects and to appeal to those countries where illegal fishing vessels are registered, in order to combat and eliminate illegal, unreported and unregulated fishing activities off the Somali coast. The Federal Government of Somalia still has work to do to put in place an adequate legal framework with enforcement capacities and regional agreements to enable it to take effective action against those who are apprehended.

24. The "Caught Red-Handed" programme, created to combat illegal, unreported and unregulated fishing, completed a second round of workshops in July 2018, with technical support from UNODC, the naval forces of the United States of America and the secure fisheries arm of the One Earth Future Foundation. Nine capacity-building workshops were originally planned to help East African countries to combat illegal, unreported and unregulated fishing, together with the creation of guidelines for collecting information on fishing vessels. The programme has leveraged regional coordination bodies such as the FISH-i Africa task force, the regional information coordination centres in Kenya and the United Republic of Tanzania, and the regional fusion centres in Madagascar and Seychelles, to improve maritime domain awareness and information-sharing and to increase compliance with laws on regional fisheries. Partners include the Governments of the Comoros, Djibouti, Kenya, Madagascar, Mauritius, Mozambique, Seychelles, Somalia and the United Republic of Tanzania.

25. The creation of a maritime-oriented blue economy, a key feature of the Somali Maritime Resource and Security Strategy, will require increased policing and security in coastal towns and the continued suppression of piracy. Peace and economic recovery will be difficult to achieve without improving maritime security. Yet the goal of maritime security will continue to be elusive as long as the region remains unstable. The threat of piracy and the influence of pirate kingpins and their militias continue to undermine coastal development efforts.

IV. International cooperation

A. Contact Group on Piracy off the Coast of Somalia

26 The Contact Group on Piracy off the Coast of Somalia held its twenty-first plenary session at the United Nations Office at Nairobi from 11 to 13 July 2018. It was attended by representatives of the following countries: Australia, China, Denmark, France, Germany, Greece, India, Italy, Japan, Kenya, Madagascar, Mauritius, the Netherlands, Norway, Pakistan, Panama, Portugal, Qatar, the Republic of Korea, the Russian Federation, Saudi Arabia, Seychelles, Somalia, Spain, Sri Lanka, Sweden, Turkey, the United Arab Emirates, the United Kingdom, the United Republic of Tanzania and the United States. The Somali delegation included representatives from the Federal Government of Somalia, federal member states and "Somaliland". Representatives of many other international, regional and private-sector organizations also attended. It was hosted by the Indian Ocean Commission and chaired by the Minister for Foreign Affairs of Mauritius. The plenary was chaired by Mauritius as Chair of the Commission, with the Commission co-hosting the plenary as the secretariat to the Contact Group.

27. The Contact Group remains a vital mechanism and point of contact for the international coordination of all States, international and regional organizations and non-State actors involved in addressing piracy off the coast of Somalia, in line with Security Council resolution 1851 (2008). The plenary of the Contact Group reiterated its commitment to the objective of "zero seafarers and zero ships" in the hands of

Somali pirates, through the continued efforts of the international community. It commended its working groups and others that implemented the objectives of the Contact Group for helping to reduce the incidence of pirate attacks in the region.

28. The plenary was preceded by a meeting of the Maritime Security Coordination Committee, in which representatives of the international community, donors, implementing agencies, the National Maritime Coordination Committee and "Somaliland" took part, to discuss priorities and progress with respect to the Somali Maritime Resource and Security Strategy. Members of the Contact Group appreciated the continued efforts undertaken to enhance Somali capacities. The plenary noted that the process for coordinating Somali capacity-building had given rise to a fully functioning National Maritime Coordination Committee, through which the Federal Government, its ministries and federal member states meet to assess their collective priorities.

29. The Contact Group took note of the main outcomes of the high-level workshop on the implementation of the Djibouti Code of Conduct and its Jeddah Amendment of 2017, convened by IMO and hosted by Saudi Arabia in Jeddah from 7 to 10 May 2018. The Contact Group confirmed, as stated at the Jeddah workshop, that piracy off the coast of Somalia was contained but remained a threat that required a long-term comprehensive solution. The solution should be based on a mechanism yet to be agreed upon by Member States in the region to help to build regional capacities, pursuant to the objectives of the Jeddah Amendment.

30. The plenary commended the trust fund for its response to the immediate, short-term needs for the detention, prosecution and repatriation of pirates. It also commended the trust fund for helping Somalia to develop the capacity to deter piracy over the long term, including through the provision of alternative employment and revenue streams for Somali coastal communities and investment in building up the country's legal, governance and maritime infrastructure, with a view to addressing the specific iss"es at the root of piracy. The plenary acknowledged the importance of the trust fund and reiterated its continued support, while expressing its concerns over the trend of decreasing funding and the possible closure of the trust fund by the end of 2018 if donor support were not increased.

B. United Nations trust fund to support the initiatives of States countering piracy off the coast of Somalia

31. The trust fund to support the initiatives of States countering piracy off the coast of Somalia, established on 1 January 2010 under the auspices of the Contact Group, continued to provide Somalia and other Indian Ocean regional States with financial assistance to strengthen their judicial capacity to combat piracy through prosecutions and detention. The members of the Board of the trust fund for the period from July 2016 to July 2018 were Djibouti, Germany, the Netherlands (with Norway), Japan, Kenya, Seychelles, Somalia, the United Arab Emirates, the United Kingdom and the United States. Observers included IGAD, the European Union Capacity-Building Mission in Somalia, the International Criminal Police Organization (INTERPOL), EU NAVFOR, the Indian Ocean Commission and M&C Saatchi World Services.

32. On 11 July 2018 in Nairobi, the Board held its 20th meeting, which was chaired by the Department of Political Affairs of the Secretariat. During the meeting, the Board approved UNODC Project No. 90 ($149,055) to freeze and recover assets and funds gleaned through piracy ransoms, conducted under the Contact Group's Law Enforcement Task Force; and UNODC Project No. 91 ($155,049), to be partially funded at $65,000, which will provide live training of Somali piracy prosecutors, with

the support of UNODC. The total expenditure for these new projects is $214,055. A further top-up of $50,000 was also given to the Expedited Facility.

33. While the Board approved all four projects presented to it, the disbursement of funds for the remaining projects will not take place until enough new contributions have been received. The Board also discussed whether to continue the trust fund, given that the administrator, the Multi-Partner Trust Fund Office of the United Nations Development Programme, had advised that there must be a balance of $1 million in the account by 31 December 2018 to avoid financial closure by default. For the past two years, the account has not met the requirements for United Nations-administered trust funds. The Board decided to keep the trust fund in operation and intends to seek new donor support.

34. Since 31 December 2012, the trust fund has received a total of $14,689,760 from 20 donors. The current total balance of the trust fund after all expenditures for new and current projects is $6,250. For 2017, the delivery rate on project expenditures by participating organizations was 87.15 per cent, which was notably higher than the 75.25 per cent delivery rate in 2016. Trust fund achievements reported in 2017 include the registration and roll-out of 200 vessels in the Automatic Identification System for Somali fishers under FAO Project No. 80, and the detention and transfer of several piracy suspects, including UNODC repatriation exercises for 29 Somalis who had been released from prisons in regional prosecuting countries (Kenya, Seychelles and the United Republic of Tanzania).

35. At a meeting held on 11 July 2018, trust fund Board members noted that piracy had continued to occur albeit unsuccessfully, and there remained a real need to capture and prosecute those engaged in acts of maritime piracy in order to facilitate the work of the trust fund. The Board heard from the Government of Seychelles that a few skiffs containing Somali pirates and equipment on board to conduct attacks had been rescued while floating adrift in Sri Lankan and Maldivian waters. The Board considered those developments to be an indication that the significant progress made in addressing piracy still remained too easily reversible.

V. Strategic maritime security activities

A. International capacity-building

36. During the reporting period, the Division for Ocean Affairs and the Law of the Sea of the Office of Legal Affairs provided a gap analysis of the Somali legislative and policy framework for oceans to the Federal Government of Somalia and delivered a second briefing for Somali parliamentarians in Mogadishu to raise awareness of the legal framework under the United Nations Convention on the Law of the Sea. Those activities completed the Division's Somalia capacity-building programme under trust fund Project No. 61, under which it also delivered a briefing in Mogadishu for Somali parliamentarians, a training programme for Somali government officials and regional representatives on the Convention and training in New York for two Somali officials under a special strategic fellowship for Somalia. The Division is currently working with the Federal Government of Somalia and UNSOM to deliver an advanced training programme designed to reinforce the outcomes of Project No. 61, which will provide customized technical assistance to reinforce the capacity of Somalia to address legislative barriers in developing its maritime sectors and the sustainable development of its maritime resources by the end of 2020.

37. Working groups of the Contact Group assisted with regional coordination and capacity-building by bringing together countries of the region. The regional capacity-building working group, at its first meeting of 2018, decided to form a closer alliance

with the IMO Djibouti Code of Conduct team to achieve greater synergies, as several countries are represented in both mechanisms. Kenya is the national Co-Chair, with the Common Market for Eastern and Southern Africa now the regional Co-Chair and the One Earth Future Foundation serving as the secretariat. Meetings of the regional capacity-building working group will be held alongside coordination meetings of signatories to the Djibouti Code of Conduct.

B. Naval activities off the coast of Somalia

38. NATO remained committed to the active enforcement of peace, security and stability in the region, despite the termination of its counter-piracy task force, Operation Ocean Shield, in December 2016. NATO continued its engagement in the area by lending its support to the international community's efforts to combat piracy off the coast of Somalia. It retains its maritime situational awareness and close partnerships with other international counter-piracy actors, including the NATO Shipping Centre in the United Kingdom, which regularly interfaces with the global shipping community. NATO also remained active in counter-piracy forums such as the Contact Group on Piracy off the Coast of Somalia.

39. The Combined Maritime Forces are a global maritime partnership of 33 countries aligned in common purpose to conduct maritime security operations that promote security, stability and prosperity across approximately 3.2 million square miles of international waters in this region. The Combined Maritime Forces are organized into three task forces, with Combined Task Force 151 (established in 2009) specifically focused on the disruption of piracy and armed robbery in the maritime environment off the coast of Somalia. Combined Task Force 151 aims to build capacity and improve the relevant capabilities of regional partners to secure freedom of navigation and protect global maritime commerce. Together with EU NAVFOR and independent deployers, Combined Task Force 151 helps to patrol the Maritime Security Transit Corridor, acting as a deterrent to attacks.

40. EU NAVFOR has a dedicated multinational counter-piracy force called Operation Atalanta, which comprises up to two warships, two maritime patrol aircraft and up to 800 personnel. It spans from the southern Red Sea into the western Indian Ocean and as far south as Madagascar. Now in its tenth year, EU NAVFOR has successfully protected humanitarian supply ships delivering more than 1.75 million tons of World Food Programme assistance to Somali ports and to support vessels of the African Union Mission in Somalia. This is occurring as the Horn of Africa continues to experience high levels of food insecurity. In July 2018, the European Union extended Operation Atalanta until 31 December 2020.

41. The Maritime Security Centre-Horn of Africa is an integral part of Operation Atalanta. It provides around-the-clock regional maritime domain awareness to naval, coastguard and law enforcement agencies around the world. It also maintains details of transiting vessels through voluntary registration, as recommended in the fifth version of *Best Management Practices*, in conjunction with the United Kingdom Maritime Trade Operations; categorizes convoy and protection requirements in the newly established Maritime Security Transit Corridor; and acts as a conduit for periodic (EU NAVFOR-Combined Maritime Forces) threat assessments and incident-related threat bulletins issued to global shipping industry counterparts.

42. EU NAVFOR and the Combined Maritime Forces presented their latest threa. assessment to shipping industry bodies and military representatives at the Shared Awareness and Deconfliction initiative conference held in Bahrain in April 2018, and to government representatives at the Contact Group meeting held in Nairobi in July 2018. The main assessment was that there are no tactical indicators or warnings to

point to a resurgence in piracy off the coast of Somalia. However, former pirate kingpins still live with impunity inside Somalia, where their various networks remain relatively intact and opportunistic. There is no federal Somali law against piracy, and the ease with which coastal communities may source weapons and skiffs makes piracy an easy entry-level activity, often justified by the illegal, unreported and unregulated fishing narrative among some Somali and diaspora communities.

43. In addition to EU NAVFOR and the Combined Maritime Forces, the naval forces of individual Member States (independent deployers), such as China, India, the Islamic Republic of Iran and the Russian Federation, continue to participate in the Shared Awareness and Deconfliction initiative and maintain maritime security off the coast of Somalia by protecting and escorting commercial vessels. The next Shared Awareness and Deconfliction conference will be hosted by the Combined Maritime Forces in Bahrain in November 2018.

VI. International legal and judicial issues, including human rights considerations

A. Legal frameworks and cooperation

44. The Department of Political Affairs signed a cooperation agreement with the Indian Ocean Commission in June 2018. This followed the Indian Ocean Commission-European Union Programme to Promote Regional Maritime Security in the Eastern and Southern Africa-Indian Ocean Ministerial Conference on Maritime Security in the Western Indian Ocean, held in Mauritius from 24 to 30 April 2018 and attended by over 150 delegates from 25 countries and 16 regional and international organizations. On 29 April 2018, States signed the "Mauritius Declaration on Maritime Security", a regional cooperation agreement to address the unique maritime security challenges of the western Indian Ocean. Current challenges identified included the illicit flow of narcotics and weapons, human smuggling and illegal migration, increased piracy off the coasts of Somalia and Mozambique and the movement of terrorists across unprotected borders.

45. IMO continues to assist signatory States to the Djibouti Code of Conduct to implement capacity-building activities, such as national maritime security workshops on the enhanced implementation of the International Ship and Port Facility Security Code. IMO also supports regional training efforts, such as maritime interdiction and coastguard training at sea, in cooperation with the NATO Maritime Interdiction Operational Training Centre, the Saudi Arabia Border Guard, the European Union, UNODC and other entities.

46. The Jeddah Amendment to the Djibouti Code of Conduct, 2017, was adopted by a majority of signatory States that were willing to widen cooperation under the Djibouti Code of Conduct to other illicit maritime activities, including human trafficking and illegal, unreported and unregulated fishing. As at the time of reporting, there were 15 signatories to the Jeddah Amendment, namely, the Comoros, Djibouti, Ethiopia, Jordan, Kenya, Madagascar, Maldives, Mauritius, Mozambique, Saudi Arabia, Seychelles, Somalia, the United Arab Emirates, the United Republic of Tanzania and Yemen. The Secretary-General of IMO performs the functions of depositary for the record of the meeting held in Jeddah.

47. At its twenty-ninth extraordinary session, on 23 November 2017, the IMO Council requested member States, the European Union and concerned international organizations, including UNODC, FAO, the United Nations Development Programme, INTERPOL and others, to consider providing both financial and in-kind

support for technical assistance activities to implement the Jeddah Amendment to the Djibouti Code of Conduct, 2017.

48. At its ninety-ninth session, held in May 2018, the IMO Maritime Safety Committee noted that ISO 28007-1:2015, for private maritime security companies, could be applied to accredited certification of floating armouries within specific conditions. At a recent legal conference held in Colombo from 18 to 20 June 2018 and organized by UNODC, a legal framework was presented for floating armouries, to be included in a future edition of the UNODC publication *Maritime Crime: A Manual for Criminal Justice Practitioners*. UNODC will also publish a second edition of the "Guidelines for the use of privately contracted armed security personnel" in October 2018.

49. In its resolution 36/11, the Human Rights Council established a new open-ended intergovernmental working group for a period until 28 September 2020. The mandate of the working group is to elaborate the content of an international regulatory framework, without prejudging the nature thereof, to protect human rights and ensure accountability for violations and abuses relating to the activities of private military and security companies. The international regulatory framework will be informed by a discussion document on elements for an international regulatory framework on the regulation, monitoring and oversight of the activities of private military and security companies, as prepared by the Chair-Rapporteur in 2017, with further input from Member States and other stakeholders.

B. Hostage release and support efforts

50. Since the start of 2016, a total of 30 hostages have been rescued through the efforts of the Hostage Support Partnership, which relies on donor support and the trust fund. Four of the eight Iranian hostages from the *Siraj* captured on 15 March 2015 and held for over three years in Galmudug by two separate pirate action groups were finally released in June 2018, thanks to the efforts of the Government of the Islamic Republic of Iran and Hostage Support Partnership negotiators. Originally, the *Siraj* had 17 crew members, with 4 rescued, 1 escaping and 4 dying, leaving 8 in captivity. The Hostage Support Partnership continues to monitor and seek the release of the four remaining hostages. Pirate action groups hold a number of other hostages, indicating how active these groups remain in central Somalia. INTERPOL, through its Hostage Debriefing Initiative and the related Global Database on Maritime Piracy, continues to share information with law enforcement agencies internationally to support piracy-related prosecutions.

51. On 8 June 2018, the Special Tripartite Committee established under the Maritime Labour Convention, 2006, adopted an amendment to the Convention to guarantee payment of seafarers' wages while they are held by pirates. Under the amendment, seafarers and their families would receive the wages agreed in the contract of employment during the period of captivity, regardless of whether the date fixed for the expiry of the employment contract had passed or either party had given notice to suspend or terminate employment. It also ensures that the seafarer's right to repatriation is protected in the event of prolonged captivity. The International Seafarers' Welfare and Assistance Network also continued to support hostages and their families during and after captivity.

C. Cooperation on piracy-related prosecutions

52. The timely sharing of maritime threat and risk assessments and situation awareness reports continued to be a weakness among all critical stakeholders.

UNODC, as the secretariat of the Law Enforcement Task Force of the Contact Group on Piracy off the Coast of Somalia, convened a meeting in May 2018 that brought together prosecutors and law enforcement officers from eight countries and three international organizations. The Task Force has prioritized 3 high-value targets from the list of 11 and will focus efforts on their indictment and arrest.

53. Furthermore, the Law Enforcement Task Force has conducted a study to identify financial flows and asset storage locations relating to proceeds of piracy crime. In the study, investments suspected as belonging to pirate leaders and financiers within Somalia were identified, including several hotels in Gaalkacyo and Boosaaso. With regard to asset storage locations outside Somalia, possible investments by pirate leaders and financiers in eight countries in western Asia, Africa and South-East Asia were also identified. In the second phase of the study, the Task Force will continue to pursue the location of overseas investments and the assets of pirate leaders and financiers.

54. In March 2018, UNODC, in partnership with EU NAVFOR, conducted a piracy prosecution pathway exercise in Seychelles to identify training needs to maintain a strong piracy prosecution capability in the region. The capacity and expertise previously developed remains valuable, but with time and personnel transfers, refresher courses are needed to maintain the requisite level of expertise. UNODC also supported the development of enhanced maritime domain awareness capability in Seychelles by providing visual equipment that will enhance understanding of the ocean surface around Seychelles and detection of illicit maritime activity.

55. The Government of Seychelles signed an agreement with the Transitional Federal Government of Somalia in 2011 to allow the transfer of persons convicted of acts of piracy to return to Somalia to serve out their sentences. This was followed by a memorandum of understanding with each state authority in "Somaliland" and Puntland. UNODC has facilitated these transfers and assisted "Somaliland" and Puntland to build appropriate prison facilities fit for this purpose with grants from the trust fund. On 4 September 2018, however, Garoowe Prison conferred early release to a convicted pirate without the consent of the arresting or convicting authorities, as required under the 2011 transfer agreement with Seychelles. The Contact Group issued a statement on 7 September in which it stressed that any unilateral decision taken by any federal member state would seriously undermine the collective actions of the international community over the past 10 years that had contributed to the reduction in acts of piracy off the coast of Somalia. In its statement, the Contact Group also reminded Somali authorities of the need to respect the sentences passed by the courts of prosecuting States, noting that any proposal to vary the sentences should be in conformity with the existing agreement. It further noted that Contact Group members had expressed serious concerns about the possible consequences of the release, as it created a dangerous precedent for the early release of other convicted pirates serving sentences across Somalia.

VII. Observations

56. The ongoing counter-piracy efforts off the coast of Somalia by the international community remain critical for the region. The increased efforts by the Federal Government of Somalia in securing its maritime space and seeking agreements with the federal member states should continue to be encouraged. Ownership of counter-piracy measures by the Somali people is key, since without their full engagement no lasting solution can be realized.

57. Piracy cannot be tackled in isolation from sustainable development, which includes ensuring a more stable and secure future for Somalia. The lasting solution to

countering piracy lies onshore, through the creation of economic opportunities and alternative revenue generation for would-be pirates, together with improved prospects for current and future generations of Somalis. The United Nations stands ready to assist the Federal Government and the people of Somalia in that regard.

58. The longer-term resilience against piracy must be strengthened. The United Nations appreciates the continued efforts of Somali authorities and partners in this regard, including their work towards developing maritime-specific legislation, the resumption of meetings of the National Maritime Coordination Committee and the institution of specific governance and judicial mechanisms for tackling piracy, including the establishment of a Maritime Administration Department. The renewed cooperation between the Federal Government of Somalia and federal member states in 2018 to put in place agreements to set up the maritime police and coastguard functions, on resource/revenue-sharing, to reinstate the Maritime Security Coordination Committee and to implement the priorities of the Somali Maritime Resource and Security Strategy is welcome.

59. I reiterate my call to the Federal Government of Somalia to accede to several international maritime and counter-piracy standards and conventions, to urgently sign and ratify regional maritime agreements and to become a State party to the United Nations Convention against Transnational Organized Crime. I call upon all parties at both the state and federal level in Somalia to respect international extradition agreements for all convicted pirates transferred back to Somalia to serve out sentences.

60. The swift response to the incidents by the international naval forces is commendable, as is their capture of six piracy suspects at sea. The reduction in the number of incidents over the past year demonstrates the continued effectiveness of the counter-piracy measures and their deterrent effect.

61. I also commend the work of the Law Enforcement Task Force of the Contact Group on Piracy off the Coast of Somalia, the Prosecutors' Network of the Indian Ocean Forum on Maritime Crime and the Virtual Legal Forum in facilitating effective prosecutions of those involved in transnational and maritime crime across the Indian Ocean. We must continue to combat piracy by reducing related transnational organized crime. Each Member State should ensure that the appropriate financial and legislative mechanisms are in place to track, halt and retrieve the illegitimate gains from piracy on its shores. Targeting pirate kingpins, financiers and criminal networks must remain a priority for all Member States.

62. I thank the Government of Mauritius for its leadership in its role as Chair of the Contact Group on Piracy off the Coast of Somalia for 2018/19 and the Indian Ocean Commission for its role as secretariat of the Contact Group for the next two years. The Contact Group, the international naval forces, the international community and the federal, state and regional authorities of Somalia should continue working together to fight piracy off the coast of Somalia and in the region more generally. It is critical that members of the Contact Group increase their contributions to the trust fund to support the initiatives of States countering piracy off the coast of Somalia to keep it operational. The trust fund, together with partners, has delivered several important initiatives in countering piracy, including the Expedited Facility, which continues to fund piracy prosecutions.

63. All remaining seafarers and civilians held hostage in Somalia should be granted immediate and unconditional release. In this regard, I commend the work of the Hostage Support Partnership, which has helped to free 44 shore-based hostages to date, with only 4 remaining in captivity, and I renew my call to all partners to help to reduce the burden on piracy survivors and their families, including through contributions to the Piracy Survivor Family Fund and the Hostage Support Partnership.

64. Finally, I thank the international community, the Security Council, academia, non-governmental organizations, military and naval forces, the shipping industry and the private sector for the contributions they have made to countering piracy and armed robbery off the coast of Somalia over the past decade. Without their commitment, success in reducing the piracy threat would not have been feasible.

Annex I

Contributions of Member States, observers, non-governmental organizations and the private sector to countering piracy off the coast of Somalia

The following statements have been provided by Member States in response to Security Council resolution 2383 (2017):

1. Australia maintains a strong commitment to the maritime security of the waters adjacent to the Arabian Peninsula and the Horn of Africa and the region. Its ongoing engagement in the naval operations of the Combined Maritime Forces, through its deployment of the *Warramunga* from November 2017 to June 2018, reflects its support for international efforts to promote regional maritime security, stability and prosperity. Australian Defence Force personnel are embedded in the headquarters of the Combined Maritime Forces, in Bahrain, in support of ongoing regional activities, including counter-piracy. Australia actively engages with regional anti-piracy organizations such as the Contact Group on Piracy off the Coast of Somalia, is a party to the Regional Cooperation Agreement on Combating Piracy and Armed Robbery Against Ships in Asia, and contributes to regional law enforcement activities and capacity-building efforts through cooperation with UNODC.

2. Since 2008, China has dispatched up to 92 warships to engage in escort missions for 6,518 vessels; assisted more than 65 at-risk vessels; and expelled over 3,000 suspicious vessels from the region. The contributions of China to the fight against piracy continue to stem the activities of Somali pirates and safeguard international trade and aid shipments. China supports all efforts made by the Federal Government of Somalia in social reconciliation, countering terrorism and carrying out national reconstruction — recognizing the need to counter piracy on land as well as at sea.

3. The Indian Navy has undertaken anti-piracy patrols in the Gulf of Aden since 23 October 2008. As at 7 November 2017, 7 naval ships had safely escorted 60 vessels (52 foreign flagged and 8 Indian flagged or World Food Programme flagged) through the Internationally Recommended Transit Corridor. India is a member of the Contact Group on Piracy off the Coast of Somalia and participates in the "Mercury" online communications platform, established to coordinate anti-piracy efforts off the coast of Somalia and in the Gulf of Aden. India will also establish a regional information fusion centre to contribute to counter-piracy information-sharing efforts.

4. Lithuania contributes one military officer, serving in the headquarters of Operation Atalanta of EU NAVFOR. In March 2018, the Lithuanian autonomous vessel protection detachment returned to Lithuania from operational deployment in the region.

5. Mexico has criminalized piracy and armed robbery at sea under its Federal Criminal Code, while its Law of Navigation and Maritime Trade includes provisions to combat piracy, trafficking and other illicit crimes at sea. Mexico publishes timely reports to the IMO Global Integrated Shipping Information System database[1] to alert mariners of any potential threats to navigation and to prevent piracy attacks. As a signatory to the United Nations Convention on the Law of the Sea, Mexico promotes the strengthening of cooperation against those involved in undertaking acts of piracy within its territory as well as across national and international jurisdictions. Within the INTERPOL framework, Mexico facilitates the exchange of information and best

[1] The Global Integrated Shipping Information System is an online reporting portal for the shipping industry, hosted by IMO.

practices, while continuing its cooperation for the prevention, investigation and pursuit of those responsible for the crime of piracy.

6. The Philippines Maritime Industry Authority regularly issues maritime advisories for ships transiting along the coast of Somalia, containing information on preventative measures and recommendations for shipping companies and their crew, to prevent and suppress acts of piracy and armed robbery at sea. The Philippines also participates in the Combined Maritime Forces.

7. Portugal is an active member of the Contact Group on Piracy off the Coast of Somalia, participating in the recent plenary meeting held in Nairobi in July 2018, at which the importance of the legal dimension in the fight against piracy was reaffirmed. Portugal co-chaired the Virtual Legal Forum (or "Piracy Legal Forum") with Mauritius. It has stressed that there are still legal challenges to be addressed owing to the dynamics in maritime security in terms of threats, context and responses. Portugal remains committed to supporting stabilization efforts in Somalia, providing naval and military staff to Operation Atalanta of EU NAVFOR and the European Union Training Mission in Somalia.

8. Sweden continues its support to counter piracy in the region. In the autumn of 2017, Sweden contributed two fast assault craft crewed by 40 military personnel to Operation Atalanta, as well as stationing three officers at Operation Atalanta headquarters. Furthermore, Sweden is one of the main contributors of personnel to the European Union Capacity-Building Mission in Somalia, ensuring that the longer-term needs to address the root causes of piracy are sustained.

9. Turkey contributed three frigates to Combined Task Force 151 during 2017/18: *Giresun*, *Göksu* and *Gelibolu*. Since 13 January 2009, Turkey has deployed naval representatives to Combined Task Force 151 headquarters in Bahrain for six-month periods to support operations against piracy and armed robbery at sea in the Gulf of Aden and off the coast of Somalia. Command leadership of Combined Task Force 151 was executed by the Turkish Naval Forces Command between 29 June and 2 November 2017, the fifth time after its leadership in 2009, 2010, 2012 and 2015.

Annex II

Map showing pirate activity off the coast of Somalia during 2017/18